

Application No: 25/0456/PIP

Location: Land Off Mill Lane, Wheelock, CW11 4RD

Proposal: Permission in principle for the erection of up to 8 dwellings

Applicant: Mr Nathan Booth (CB Homes LTD)

Expiry Date: 25-Mar-2025

1. Reason for Referral

1.1 *This application is referred to Southern Planning Committee at the request of Cllr Crane for the following reasons:*

I don't think I can word it better than the reasons given in the refusal of planning application 22/4321C on the same plot. This was for only 2 properties, far below the number requested in this application:

1. The proposed development would result in inappropriate development in the Open Countryside. The proposals are considered not to result in the limited infilling in a village or the infill of a small gap in an otherwise built-up frontage. There are no material considerations that would outweigh the harm to the countryside. The principle of the development is therefore not acceptable, and it is considered the proposals would not represent sustainable development. The proposals are considered to be contrary to policies MP1, SD1, SD2 and PG6 of the Cheshire East Local Plan Strategy 2017, PG10 of the Site Allocations and Development Policies Document 2023 and H1 of the Sandbach Neighbourhood Plan 2022 and the National Planning Policy Framework.

2. The size of the residential curtilages/plots would be out of keeping with surrounding properties and would remove the transition currently present from the urban to rural environment. The proposed development would result in an urban appearance from the surrounding streetscape and would detract from the character of the rural area. The proposals would present a building line that is not characteristic of the western side of Mill Lane on which they are sited causing the development to be overly prominent from the streetscene. The proposals fail to demonstrate how they meets the most up to date assessment of local housing need and do not propose a type or mixture of housing as per highlighted demand/need. The proposals are considered to be contrary to policies and guidance covering design, housing mix and local character: SD1, SD2 and SE1 of the Cheshire East Local Plan Strategy 2017, GEN1, HOU1 and HOU14 of the Site Allocations and Development Policies Document, H2 and H3 of the Sandbach Neighbourhood Plan, the Cheshire East Design Guide SPD and the National Planning Policy Framework.

2. Proposed Development

- 2.1. This application seeks Permission in Principle for the erection of up to 8 dwellings to the western side of Mill Lane. The site lies within the Open Countryside adjacent to the Sandbach Settlement Boundary.
- 2.2. The supporting planning statement identifies that 30% of the dwellings would be affordable (up to 3 units).

3. Site Description

- 3.1. The application site is located on Mill Lane, within the Open Countryside. Residential properties are situated to the north, east, and south. The dwelling to the south of the site comprises of a two-storey detached dwelling while the dwelling to the north and dwellings to the east of the application site comprise of one/one and a half storey detached properties. There is little to no uniformity with regards to the character of these surrounding properties.
- 3.2. Mill Lane is a connecting road between Hassall and Wheelock. All boundaries of the application site comprise of soft landscaping consisting of hedgerows.
- 3.3. There is field gate to the site which provides access from Mill Lane.
- 3.4. The site is directly outside the settlement boundary of Wheelock and within the Open Countryside as designated within the Local Plan. The Old School Village Hall to the west is a locally listed building.

4. Relevant Planning History

- 4.1. 22/4321C – Erection of 2 dwellings – Refused 26th May 2023 for the following reasons:

1. The proposed development would result in inappropriate development in the Open Countryside. The proposals are considered not to result in the limited infilling in a village or the infill of a small gap in an otherwise built-up frontage. There are no material considerations that would outweigh the harm to the countryside. The principle of the development is therefore not acceptable and it is considered the proposals would not represent sustainable development. The proposals are considered to be contrary to policies MP1, SD1, SD2 and PG6 of the Cheshire East Local Plan Strategy 2017, PG10 of the Site Allocations and Development Policies Document 2023 and H1 of the Sandbach Neighbourhood Plan 2022 and the National Planning Policy Framework.

2. The size of the residential curtilages/plots would be out of keeping with surrounding properties and would remove the transition currently present from the urban to rural environment. The proposed development would result in an urban appearance from the surrounding streetscape and would detract from the character of the rural area. The proposals would present a building line that is not characteristic of the western side of Mill Lane on which they

are sited causing the development to be overly prominent from the streetscene. The proposals fail to demonstrate how they meets the most up to date assessment of local housing need and do not propose a type or mixture of housing as per highlighted demand/need. The proposals are considered to be contrary to policies and guidance covering design, housing mix and local character: SD1, SD2 and SE1 of the Cheshire East Local Plan Strategy 2017, GEN1, HOU1 and HOU14 of the Site Allocations and Development Policies Document, H2 and H3 of the Sandbach Neighbourhood Plan, the Cheshire East Design Guide SPD and the National Planning Policy Framework.

4.2. 5628/1 - One private dwelling house - Refused 16th August 1977

5. National Planning Policy

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration for the purposes of decision making.

6. Development Plan Policy

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

Cheshire East Local Plan Strategy (CELPS)

MP1 - Presumption in Favour of Sustainable Development

PG1 - Overall Development Strategy

PG 2 - Settlement Hierarchy

PG 6 - Open Countryside

PG7 – Spatial Distribution of Development

SD1 - Sustainable development in Cheshire East

SD2 - Sustainable development principles

SC4 – Housing Mix

SE1 - Design

SE2 - Efficient Use of Land

SE 4 - Landscape
SE3 - Biodiversity and Geodiversity
SE5 – Trees, Hedgerow and Woodland
SE7 - The Historic Environment
SE12 – Pollution, Land Contamination and Land Instability
SE13 - Flood Risk and Water Management
C01 – Sustainable Travel and Transport
IN1 – Infrastructure
IN2 - Developer contributions

Site Allocations and Development Policies Document (SADPD)

GEN 1 Design principles
ENV1 – Ecological Network
ENV2 – Ecological Implementation
ENV5 – Landscaping
ENV6 – Trees, Hedgerow and Woodland Implementation
ENV16 – Surface Water Management and Flood Risk
HER 7- Non-designated heritage assets
HOU1 – Housing Mix
HOU8 – Space, Accessibility and Wheelchair Housing Standards
HOU 12 - Amenity
HOU 13 - Residential standards
HOU14 - Housing Density
HOU15 – Housing Delivery
HOU16 – Small and Medium-sized Sites
INF3 – Highway Safety and Access

6.3. Neighbourhood Plan

PC2 – Landscape Character
PC3 - Settlement Boundary
PC4 – Biodiversity and Geodiversity
H1 – New Housing
H2 - Design & Layout
H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
IFT1 – Sustainable Transport, Safety and Accessibility
IFT2 – Parking
IFC1 – Community Infrastructure Levy
CW1 – Amenity, Play, Recreation and Sports Facilities
CW3 – Health
CC1 – Adapting to Climate Change
HC1 - Historic Environment

7. Relevant supplementary planning documents or guidance

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

7.2. Biodiversity and Net Gain SPD

- 7.3. Environmental Protection SPD
- 7.4. SuDS SPD
- 7.5. Cheshire East Design Guide SPD

8. Consultation Responses

- 8.1. **Environmental Health:** No objection, informatives suggested.
- 8.2. **Natural England:** No comments received.
- 8.3. **Head of Strategic Transport:** No objection.
- 8.4. **Flood Risk Manager:** No comments received at the time of writing this report.
- 8.5. **Head of Strategic Housing:** A standard policy tenure mix for affordable housing would require 65% affordable (social) rent and 35% intermediate dwellings (6.10 SPD), and we would ask for consideration of policy SPD 6.18 with regards to the rental dwellings.

Provision of affordable housing should be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990. (6.54 SPD) The Section 106 will contain an obligation for the affordable rental housing to be managed by a Registered Provider.

Early communications with a Registered provider would be recommended to gauge interest in rental units and/or shared ownership units.

All homes should meet NDSS requirements.

9. Views of the Town or Parish Council

- 9.1. **Sandbach Town Council:** The Town Council objects to the application in the current form especially with regard to the environmental impact, toxic waste on the land, risk of flooding and no highway impact.

10. Representations

- 10.1. Letters of objection have been received from 7 households which raise the following points:
 - Concerned in terms of overlooking. There are no drawings to show where the windows of the properties would be.
 - Would it be more appropriate for these buildings to be flipped so that the entrance of the development and more open space is on the side of the existing bungalows rather than the two large houses.
 - The appeal decision information is not relevant to this site.
 - There are serious issues with flooding on the site. Concerns that the building works will affect the water table.

- The 8 houses would look completely out of character next to the bungalows on Mill Lane.
- Two dormer bungalows have previously been refused on this site.
- The site is agricultural land.
- There is an existing sewer which runs a few metres from the hedgerow adjoining Greenbank Park. Plots 1 and 5 would be built over the sewer, which services homes along Crewe Road and is not suitable to accept additional discharges.
- Increased traffic and parking issues.
- Mill Lane is narrow and has problems with inconsiderate parking which is compounded by the Shampaan restaurant.
- There is no footpath along Mill Lane which causes safety issues.
- Wildlife occupies the site (birds, Fox, Badger, Rabbit, Field Vole and Mice).
- Impact upon property value and enjoyment of the home.
- Loss of light and views across the countryside.
- Loss of privacy.
- Noise and disturbance.
- Overdevelopment of the site.
- The site is not allocated with the Local Plan.
- The area is being unfairly penalised.
- The proposal will attract commuters who are looking to access bigger cities.
- Increased traffic.
- Strain on services and facilities.
- Why build on such small sites?
- The development will not create local jobs.
- Rubble and asbestos buried on the site.
- Loss of hedgerow.
- The loss of open countryside and the creation of a town estate.
- Construction traffic safety.
- Mill Lane is the main access to the play area, canal and countryside walks.
- Pollution caused during the construction phase.
- Wheelock is distinct from Sandbach and should be treated differently.
- There have been no changes to the locality since the earlier refusal.
- Potential contaminated land on the site.
- Sewer blockages.

10.2. A letter of representation has been received from Cycling UK which raises the following points:

- If the application is approved, then it is recommended that the developer creates a cycle route between Mill Lane and Crewe Road via the Wheelock Playing Field. This would provide an alternative route to Crewe Road. This would address Policy CO1 of the CELPS.

11. Officer Appraisal

Principle of Development and Key issues

11.1. The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the

technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

11.2. The scope of Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

11.3. Issues relevant to these 'in principle' matters should be considered at the Permission in Principle Stage. Other matters should be considered at the technical consent stage (Local Authorities cannot list the information they require for applications for Permission in Principle in the same way they can for planning permission).

11.4. It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and the amount of development. The LPA can inform the applicants what they expect to see at the technical details stage.

11.5. It is not possible to secure a planning obligation at the permission in principle stage.

11.6. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings.

11.7. A local planning authority may not grant permission in principle for a major development. This means where the number of houses is 10 or more, the floor space created is 1,000sqm or more or the development is carried out on a site having an area of 1 hectare or more. The proposed development would not be classed as a major development.

11.8. The LPA may not grant Permission in Principle for Schedule 1 development. This proposal would not be Schedule 1 development (Schedule 1 is development which requires an Environmental Impact Assessment).

11.9. Local Planning Authorities must not grant permission in principle for development which is likely to affect a Habitat Site (as defined within the NPPF). The site does not trigger Natural England's SSSI impact risk zones so there are unlikely to be any issues with sites designated under the Habitat Regulations.

Development Plan

11.10. The site adjoins the settlement boundary of Sandbach but is located within the Open Countryside.

11.11. CELPS Policy PG6 (Open Countryside) states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions include:

- where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere; affordable housing in accordance with Policy SC6 or a dwelling of exceptional design.
- for the replacement of existing buildings (including dwellings) by new dwellings not materially larger than the buildings they would replace.

11.12. Policy PG6 is consistent with policies PC3 and H1 of the Sandbach Neighbourhood Plan (SNP) which restrict housing development in the open countryside in a similar manner.

11.13. The proposed development would not comply with the requirements of policy PG6 of the CELPS or Policies PC3 and H1 of the SNP. The proposal would conflict with the Development Plan as a whole.

Site Accessibility

11.14. The site is located on the edge of Sandbach (a Key Service Centre). A CELPS identifies that a Key Service Centre provides a good range of services and opportunities for employment, retail and education alongside good public transport links.

11.15. In this case there are bus stops located on Crewe Road a short distance from the site. There are two bus services (one to Northwich and one to Macclesfield) with roughly two services an hour linking the site to Sandbach Town Centre (and beyond) and Crewe.

11.16. In addition to the bus services above, the site is located on the National Cycle Route which links Sandbach to Crewe and there are other local cycle networks within the vicinity of the site. There are also footways along Crewe Road which would provide access towards the services and facilities within Sandbach and Wheelock.

11.17. Sandbach as noted within the CELPS has a good range of local services (schools, healthcare, public houses, shops, community facilities, sports provision and places of worship etc), access to public transport (rail and bus) and access to employment.

11.18. Although there is no pavement along Mill Lane there are footways within the vicinity of the site (such as along Crewe Road). The footways are well used by pedestrians and have street lighting.

11.19. The development site is sustainably located given its location on the edge of a Key Service Centre and would minimise the dependence on the use of the private car.

Efficient Use of Land

11.20. Policy HOU14 of the SADPD states that residential developments will generally be expected to achieve a net density of 30 dwellings per hectare. The proposed development would achieve a density of 25 dwellings per hectare and would fall below the density suggested within Policy HOU14.

11.21. However, the density would not be out of character with the character of development along Mill Lane and given the edge of settlement location is considered to be appropriate.

Housing Land Supply

11.22. Cheshire East's latest published housing land supply position is set out in the Housing Monitoring Update (HMU) 22/23 (base date 31st March 2023). This identifies a 5-year deliverable supply of 11,845 dwellings.

11.23. The new local housing need (LHN) figures (calculated using a revised Standard Method) were published for LPAs alongside the revised NPPF on 12th December 2024. Cheshire East's LHN is now 2,461 dwellings (was previously 977dpa). This figure will be updated annually.

11.24. The following table shows the calculation of 5-year housing land supply based on the published supply in the HMU 22/23 and on the new LHN figure (+ 5% buffer).

| | |
|---|-------|
| Five Year Supply Calculator - New standard method | |
| 22/23 Forecast | 11845 |
| Basic annual requirement | 2461 |
| Buffer | 123 |
| Annual requirement | 2584 |
| Five year supply | 4.6 |

11.25. Cheshire East is now, therefore, not able to demonstrate a 5-year supply of deliverable housing sites. Applications for the provision of housing may therefore be subject to the tilted balance under paragraph 11d of the Framework. Please note that paragraph 11d) has been revised, particularly 11d) ii. which highlights the need to have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 9 says where the relevant policies covering these matters are to be found in the NPPF.

Character and Appearance

11.26. The application site is undeveloped and is located on the edge of Sandbach. To the north of the site is a residential development known as Greenbank Park, to the east are residential properties on the opposite side of Mill Lane, to the south there is a detached dwelling and to the west is Wheelock Playing Fields with residential development beyond.

11.27. The previous refusal raised concerns including the size of the plots, the building line and concerns that the proposal would not meet the most up to date housing need. This application addresses these concerns by increasing the number of plots from 2 to 8 and introduces smaller house types which is supported by policy H3 of the SNP.

11.28. The layout, scale, and appearance of the development is not for determination. There would be some loss of the rural character of the site through the proposed residential development (as there would be with any housing development located beyond a settlement boundary). However, the proposed development could be designed in a way that would not appear intrusive. The proposed development would be seen in the context of the adjacent housing, gardens and the Wheelock Playing Fields which are located on the edge of Sandbach and as such the impact upon the character and appearance of the countryside would be acceptable.

11.29. To the west of the site is The Old School Village Hall which is a locally listed building. The impact upon this building can only be considered at the Technical Details Stage once the design/layout is provided. Given the separation distance, the surrounding residential development and the possibility to secure additional landscaping, it is likely that an acceptable scheme could be secured.

Other Matters

11.30. The proposal would result in the loss of a small parcel of agricultural land, but given its small size it is not considered that any harm would be determinative within the planning balance.

11.31. Concerns have been raised in terms of flooding on this site. The Environment Agency flood maps identify that the site is located within Flood Zone 1 and has a low probability of flooding.

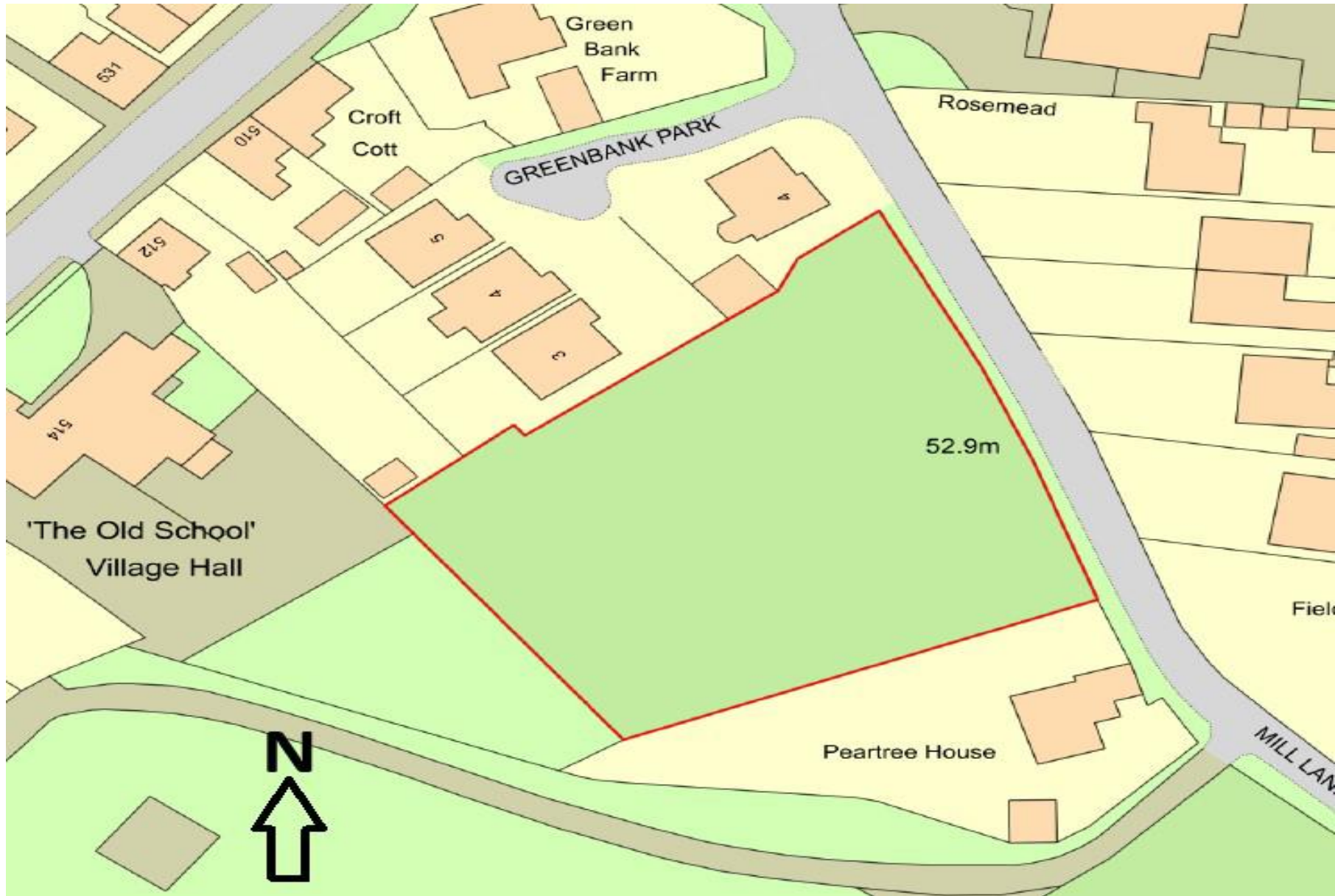
- 11.32. The Councils Ecologist has confirmed that there are no ecological concerns in respect of the location, land use and amount of development proposed. If permission in principle is granted, protected species surveys and BNG assessment will be required at the technical details stage.
- 11.33. Concerns raised in terms of the loss of hedgerow, amenity, noise/disturbance, contaminated land, and design would all be covered at the Technical Details stage and are not for determination as part of this application.

12. Planning Balance/Conclusion

- 12.1. The proposed development would result in residential development located beyond the Sandbach Settlement Boundary and would conflict with policies PG6 of the CELPS and PC3 and H1 of the SNP. This would also result in a change to the rural character of the site and a small loss of agricultural land.
- 12.2. The proposal is considered to be sustainably located, but despite this the proposal conflicts with the Development Plan as a whole.
- 12.3. However, the Council is unable to demonstrate a five-year supply of housing, and paragraph 11d of the NPPF is engaged. The NPPF seeks to boost significantly the supply of housing and the development of 8 houses would make a small contribution to meeting the Councils housing need.
- 12.4. Small and medium sized sites can make an important contribution and be built out very quickly (this is emphasised in Policy HOU16 of the SADPD and paragraph 73 of the NPPF). There would also be economic benefits through the construction and occupation of the proposed development. Social benefits would also be provided in terms of the proposed affordable homes, but these could not be secured until the technical details stage, and the benefit would be reduced.
- 12.5. The adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies within the NPPF. The proposed development would benefit from the presumption in favour of sustainable development which weighs heavily in support of the proposed development. Therefore, the application is recommended for approval.

13. Recommendation

APPROVE



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